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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,572	06/13/2001	Philip D. Nguyen	2000-IP-043	9882

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EXAMINER

NEUDER, WILLIAM P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,572

Applicant(s)

NGUYEN ET AL.

Examiner

William P Neuder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-24, 29-31 and 44-54 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9, 12, 25-28, 32-34, 36-38, 40, 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 3, 8, 10, 11, 35, 39 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,5-7,12,25-28,32-34,36,37,40,42 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones '007 (newly cited).

Jones discloses an apparatus for treating an interval of a wellbore (see fig. 1). Sand screen unit 21 is adapted to be connected to a lower end of a work string. A plurality of blank conduits 25a-25d are axially spaced and attached to the external surface of screen 21. The blank conduits deliver slurry to different axial portions of the interval. As to claims 2 and 7, the plurality of blank conduits extend longitudinally along the screen. The conduits extend only a portion of the length of the conduit. The conduits terminate at a different level within the interval. As to claims 5 and 12, a crossover 28 and packer 30 are provided. As to claim 6, the slurry can be gravel bearing. As to claim 25, screen 21 is positioned within perforated liner 13. As to claim 26, Jones discloses a method of gravel packing. Screen 21 is positioned within perforated casing 13. Conduits 25a-25d are positioned within the annulus formed between the screen and the casing. The conduits extend different lengths along the

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screen. A gravel slurry is injected. The conduits are sized to allow delivery of slurry around any bridges that may form. The injection of slurry is stopped when the annulus is completely filled with slurry. As to claim 27, the method is to be practiced in a subterranean oil or gas reservoir. As to claim 28, this claim is the same as 27 except it does not call for a casing. However, a cased wellbore is still a wellbore. As to claim 32, a plurality of conduits 25a-25d are connected to a work string. As to claim 33, conduit 25a extends less than half the length. As to claims 34 and 40, Jones teaches that the sand screen can be a single unit or sections. As to claims 36 and 42, the conduits extend only a portion of the length. As to claim 37, the conduits have open ends. As to claim 43, the conduits are solid and have openings only at the ends.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (as applied above).

Jones does not disclose the sand screen placed in an open hole configuration. It would have been considered an obvious design choice to use the device of Jones in an open hole configuration since well operations are normally conducted in either an open hole or cased hole condition and it would have been well within the skill of one of ordinary skill in the art to adapt the device of Jones to be operated open hole.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Bryant et al "200.

Jones, as applied above, discloses all of the claimed limitations except for the use of a shroud surrounding the blank conduits. Bryant teaches a gravel packing screen similar to Jones in which a shroud 17 is placed around the shunt tubes. It would have been obvious to one of ordinary skill in the art, when considering Jones and Bryant, to modify the gravel packing assembly of Jones to include the shroud of Bryant

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in order to obtain a gravel packing assembly having conduits of differing lengths surrounded by a shroud. One would have been motivated to make such a combination because the use of a shroud protects the shunt tubes or conduits from damage during use as taught by Bryant et al.

***Allowable Subject Matter***

Claims 3,8,10,11,35,39 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13-24,29-31 and 44-54 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P Neuder whose telephone number is 703-308-2150. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9327 for regular communications and 703-872-9326 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

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William P Neuder  
Primary Examiner  
Art Unit 3672

W.P.N.  
August 12, 2003